

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARK S. WASHINGTON,

Defendant.

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8:06CR303

ORDER

This matter is before the court on defendant's unopposed MOTION FOR LEAVE TO FILE PRETRIAL MOTIONS OUT OF TIME [13] and an Unopposed Motion to Continue Trial [14]. For good cause shown, I find that the motions should be granted. The defendant will be given an approximate 30-day extension. Pretrial Motions shall be filed by November 17, 2006.

**IT IS ORDERED:**

1. Defendant's MOTION FOR LEAVE TO FILE PRETRIAL MOTIONS OUT OF TIME [13] is granted. Pretrial motions shall be filed on or before **November 17, 2006**.
2. Defendant's Unopposed Motion to Continue Trial [14] is granted. The trial date of November 20, 2006 is hereby cancelled. Trial will be set by further order of the court.
3. Defendant is ordered to file a waiver of speedy trial as soon as practicable.
4. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional time arising as a result of the granting of the motion, i.e., **the time between October 17, 2006 and November 17, 2006**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel required additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

**DATED this 6<sup>th</sup> day of November, 2006.**

**BY THE COURT:**

**s/ F.A. Gossett  
United States Magistrate Judge**